

frncp # 60-B.

Page 2

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

FILED

2008 FEB 25 PM 3:41

United States District Court	District <u>Southern</u>	CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
Name (under which you were convicted): <u>JIMMIE STEPHEN</u>	Docket or Case No. <u>'08 CV 0357 LAB-BLM</u>	AM
Place of Confinement: <u>CMC P.O. Box 8101-San Luis Obispo, CA</u>	Prisoner No.: <u>C56483</u>	REPTY
Petitioner (include the name under which you were convicted) <u>STEPHEN</u>	Respondent (authorized person having custody of petitioner) <u>HELEN ANN "IRS" Laef "HONES" "STEAL" ECF (A. L. O. M. I. N. S.)</u>	2254 1983 FILING FEE PAID Yes No HPP MOTION FILED Yes No COPIES SENT TO Court ProSe
The Attorney General of the State of <u>California</u>		

## PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:  
San Diego USA Court - Southern District  
(93-5032-93-1943)
2. (b) Criminal docket or case number (if you know): CD-06-1054-06-071-07-2112
2. (a) Date of the judgment of conviction (if you know): 8-30-06-4-11-06-12-13-07-1-11-95 ECF
2. (b) Date of sentencing: N/A
3. Length of sentence: N/A
4. In this case, were you convicted on more than one count or of more than one crime? Yes  No
5. Identify all crimes of which you were convicted and sentenced in this case:  
42 USC 1983 or "Klux Klan Act of 1871"  
28 USC 1367.

6. (a) What was your plea? (Check one)

(1) Not guilty  (3) Nolo contendere (no contest)   
 (2) Guilty  (4) Insanity plea

- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?
- N/A

"School Dist TJS & Canals Inc" 5, f3d, 1255 (9th 1993).  
Elliason J. Paulus 127, Sct 2197 (2007).

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury  Judge only  NA

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes  No  NA

8. Did you appeal from the judgment of conviction?

Yes  No  NA

9. If you did appeal, answer the following:

(a) Name of court: \_\_\_\_\_

(b) Docket or case number (if you know): \_\_\_\_\_

(c) Result: \_\_\_\_\_

(d) Date of result (if you know): \_\_\_\_\_

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) Did you seek further review by a higher state court?

Yes

No  NA

If yes, answer the following:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result (if you know): \_\_\_\_\_

(5) Citation to the case (if you know): \_\_\_\_\_

(6) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes  No  NA

If yes, answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

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(2) Result: \_\_\_\_\_  
*N/A*

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes  No  *N/A*

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes  No *N/A*

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

N/A

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes  No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes  No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes  No

(2) Second petition: Yes  No

(3) Third petition: Yes  No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

N/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

frcc# 60-B..

GROUND ONE: In prior "3-STRIKE" CASE UNDER 42 USC 1983 formally "CLOUDY DAY Act" of 1871.. LOCAL RULE # 7.1(i)(L)

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):  
A Party may apply for Reconsideration whenever any motion or my motion has been made by "JUDGE"  
In C0-06-1054-LAB the Court made "CLEAR ERROR"  
Upon its Ruling of 8-30-06 etc under frcc# 60-B.  
As "WILLFUL ERROR" mistake" as to "28. USC, 1915" (x) &  
"STRIKE" whenever "Ongoing INJURIES" exist.. frcc# 8-A-2  
will have "NOT APPLIED".

- (b) If you did not exhaust your state remedies on Ground One, explain why:

NA

(c) Direct Appeal of Ground One:

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

NA

- (2) If you did not raise this issue in your direct appeal, explain why:

NA

(d) Post-Conviction Proceedings:

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes  No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

NA

Name and location of the court where the motion or petition was filed:

"Erickson v. Parlos" 127. Sct. 2197 (2007)..

frcc# 8-A-2 MUST BE APPLIED..

Docket or case number (if you know): JA

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): JA

(3) Did you receive a hearing on your motion or petition?

Yes  No 

(4) Did you appeal from the denial of your motion or petition?

Yes  No 

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No 

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: JA

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

JA

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: \_\_\_\_\_

GROUND TWO: CIV-06-0171-L USC 18 "Strike" Under 28 USC 1915 IS WILLFUL "ERROR" AND VIOLATION OF FRLP# 8-A-2.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

Under "Parous" 127, Sct. 2197 this is Willful ERROR..  
of 4-11-06.. A Short and Plain Statement of the Claims  
Showing Petitioner ENTITLED to RELIEF.. This is "ERROR".  
Under "Parous" 127, Sct. 2197..

N/A

(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

N/A

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

N/A

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

N/A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes  No

N/A

(2) If your answer to Question (d)(1) is "Yes," state: \_\_\_\_\_

N/A

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

N/A

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes  No

N/A

(4) Did you appeal from the denial of your motion or petition?

Yes  No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No

(6) If your answer to Question (d)(4) is "Yes," state: \_\_\_\_\_

N/D

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): WA

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_  
\_\_\_\_\_  
WA

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: \_\_\_\_\_  
\_\_\_\_\_  
WA

GROUND THREE: WA CO-07-212-LAB "28, USC, 1915" willfully  
ruled upon "IMMUNITY" to "IRS" and "A. LOCATO" is

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
"ERROR in a "USED" AS STRIKE" willfully at 12-13-07  
AS "IMMUNITY IS NOT A STRIKE". AS THE COURT RULED THE  
"IRS" CANNOT BE USED.

AS Complainant states the "IRS" willfully "ABUSED" WITH-  
OUT CAUSE without Petitioner in Person SINCE 1989.

(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_  
\_\_\_\_\_  
WA

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_  
\_\_\_\_\_  
WA

## (d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes  No  JA

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes  No  JA

(4) Did you appeal from the denial of your motion or petition?

Yes  No  JA

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No  JA

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

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GROUND FOUR: CD-93-5032-WMB AND CD-93-1943-L USE AS "STRIKE" IS WILLFUL ERROR, MISTAKE, UNDER FRCP #8-A-2.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):  
UNDER "PARA 127, SCF, 2197 WHEN DEFENDANT APPEALED TO "DO ZAHAR" FOR SERIOUS MATERIAL DEFECT AND "VACATED AND REMANDED" DATED 1-11-95 # 94-56041. IN CD-93-1943-L. UNDER 28 USC, 1915" THIS IS "ERROR" TO USE THESE CASES AS "STRIKES"  
IN CD-93-5032-WMB ALSO "ERROR" IN "CRIMINAL CASE"  
UNDER FRCP # 8-A-2.

(b) If you did not exhaust your state remedies on Ground Four, explain why: \_\_\_\_\_

W A

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes  No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

W A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes  No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

W A

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

W A

(3) Did you receive a hearing on your motion or petition?

Yes  No

(4) Did you appeal from the denial of your motion or petition?

Yes  No

W A

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes  No JA

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: WA

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

WA

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: \_\_\_\_\_

WA

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes  No JA

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: \_\_\_\_\_

WA

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: \_\_\_\_\_

WA

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes  No JA

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. \_\_\_\_\_

WA

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes  No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. \_\_\_\_\_

WA

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: \_\_\_\_\_

WA

(b) At arraignment and plea: \_\_\_\_\_

(c) At trial: \_\_\_\_\_

(d) At sentencing: \_\_\_\_\_

(e) On appeal: \_\_\_\_\_

(f) In any post-conviction proceeding: \_\_\_\_\_

(g) On appeal from any ruling against you in a post-conviction proceeding: \_\_\_\_\_

WA

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes  No

WA

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(a) If so, give name and location of court that imposed the other sentence you will serve in the future: \_\_\_\_\_  
*N/A*

(b) Give the date the other sentence was imposed: \_\_\_\_\_  
*N/A*

(c) Give the length of the other sentence: \_\_\_\_\_  
*N/A*

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes  No *N/A*

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\* \_\_\_\_\_  
*N/A*

*FDCP # 60-B.*

\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

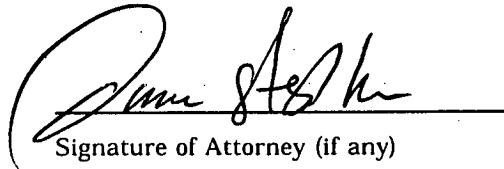
- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(continued...)

Therefore, petitioner asks that the Court grant the following relief:

"Strike 3"  
STRIKES UNDER 28 USC 1915. IN ALL 5 CASES.  
AS WILFUL ERRORS.

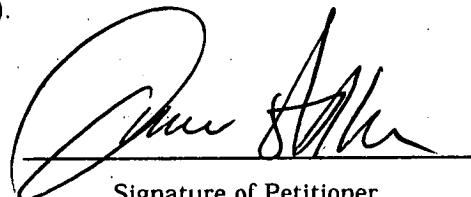
or any other relief to which petitioner may be entitled.



Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct  
 and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on  
2-21-08 (month, date, year).

Executed (signed) on 2-21-08 (date).



Signature of Petitioner

\*(...continued)

- (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Same

IN FORMA PAUPERIS DECLARATION

[Insert appropriate court]

\*\*\*\*\*

USDC-Southern) District as Petitioner  
Jimmie Shaffer is INMATE without money  
to present viable 42 USC 1983 claims for  
access to court..

under "Banks v Smith" 430, US, 817(1977).

"Biggs v Terhune" 334, f3d, 910 (5th 2001).

TRUE names found or for TDRP

Date 2-21-08

Jimmie Shaffer

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## I (a) PLAINTIFFS

Jimmie Stephen

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jimmie Stephen  
PO Box 8101  
San Luis Obispo, CA 93409  
C-56483

2254 DEFENDANT	1983
<b>FILING FEE PAID</b>	
Yes	No <input checked="" type="checkbox"/>
CLERK SOUTHERN DISTRICT OF CALIFORNIA	
<b>MOTION FILED</b>	
Yes	No <input checked="" type="checkbox"/>
U.S. PLAINTIFF CASES ONLY DEPUTY	
<b>COPIES SENT TO</b>	
ATTORNEYS (IF APPLICABLE)	
COURT <input checked="" type="checkbox"/> PRESS <input type="checkbox"/>	

FEB 25 PM 3:41

Hernandez, et al.

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

'08 CV 0357 LAB BLM

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> | Foreign Nation  | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> |

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 861 HIA (1958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> Security Act		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 250 All Other Real Property				

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding  2 Removal from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND:  YES  NO

## VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE February 25, 2008

SIGNATURE OF ATTORNEY OF RECORD

R Muller